App. F. IX-4

1936-37
CR)

File No. 131/36
Serial Nos. 1 N 1

Previous References
CB 117-34-1
CB, 21-35-9410
CB, 21-35-1206
CB 143-34-142
CB, 87-33-346
CB, 22-33-344
CB, 22-33-342
Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 N

Part B for 11 months

SUBJECT

Pension due to Mr. S. R. Ramaswamy
Iyer Retired District Judge

WD 03607—GPB—22,500—2-8-35

Serial No

Le. Sec. No 544/36-7 Dt 22.1.36

From

The Registrar High Court

Madras, for reasons explained

Sat Thiru S. D. Ramaswami Ayyars

Services for pension may be treated

as Provisionally Permanent in the

2nd cl of the Judges Govt 18.6.35, the

Date of retirement of Thiru T.K. Varadha

Swami's retirement and as Non-Perma

nent Dt Judge 3rd class while he was

Ag as Dt Judge 3rd Class

1) The High Court state that the

application for pension of Thiru S

Ramaswamy Ayyar has been forwarded

Separately thro' the Comptroller

2) Thiru Ramaswamy Ayy. was appointed

3rd cl Dt Judge A.P.P. Ag 2nd cl Dt Judge

Govt 18.6.35

3) The High Court Consider that

his Service as 2nd Class Dt Judge

will not Count towards pension

as he was not provisionally permanent

The High Court recommended

that the period (1) by the Govt

WD 0417—GPB—30,000—8-9-36

Pension due to late S. Ramachandra Iyer
Retd Dt Judge

File No. of 193 General and Revenue Secretariat

Serial No.

in the 2nd Class
made P.P. Govt 18.6.35 the
date of retirement of late S. Ramachandra Iyer (ii) Is he entitled to
made Dt Judge P.P in the 3rd Class
pension for that date while he
was a Dt Judge 3rd Class.

(i) In view of the High
Court Rule that such a position is
untenable Is it held that
Rao Sahib Srinivasa Rao & Rama Rao
be held to have no lien on
a Dt Judges appointment. The
High Court also considers that
it can be done without interfering
in any way with orders already
made.

(ii) The Audit Dept may further
be consulted in the matter
before issuing orders.

Await receipt of the papers stated to have been sent through the Comptr

Serial No.

6) The pension application of Mr. S.R. Ramaswami Iyer stated to have been sent through the Comptroller has not yet been received ~~in~~ here.

The requests of the High Court are

(1) That the acting tenure of Mr. S.R.R. Iyer as II class Dt. Judge from 18.6.35 (to date of his retirement) be treated as having been ~~mm~~ P.P & the emoluments drawn in that grade allowed to count for pension

(2) That the acting tenure of the officer as III class Dt. Judge torevirously - from 21.35 to 17.6.35 may be similarly treated as having been PP & allowed to count.

17-6-35

1) In support of the above requests the High Court make two statements

(1) If Mr V.K. Srinivasa Rao had been a permanent Judge of the H.C. ~~Chamba~~ instead of a temporary Judge. then Mr S.R. Ramaswami Iyer's tenure ~~mm~~ could have been made PP

2) ~~If~~ Even if Mr V.K. Srinivasa Rao ~~mm~~ be only Temp Judge of the H.C Mr. S.R. R. Iyer could have been made PP. but for the circumstance of Mr M. Rama Rao having ~~mm~~ to be given an intermediate ~~mm~~ tion

WD 6417—GPB—30,000—8-9-36

Serial No.

in the Judicial cadre for reasons entirely unconnected with the Judicial Dept

8) With reference to the argument (2) above, it is respectfully submitted that the Govt. order allowing an interim lien ~~to~~ in the Judicial Dept. does not seem to have any prejudicial effect on the ~~ques~~, inasmuch as ~~the~~ any P.P lien admissible in the vacancy could first be given to Mr. M. Rama Rao and passed on as P.P to the next man. If Mr N. K. Srinivasa Rao's appointment as Temporary Judge would admit of a consequential P.P arrangement there may be no objection to give that tenure to Mr. S. R. Ramaswami Iyer - unaffected by the circumstance of Mr. M. Rama Rao's ~~lien~~ normal lien in the cadre

9) The real difficulty is whether during Mr. N. K. Srinivasa Rao's temporary appt in the H. C. a PP arrt. is admissible in the Dt. Judge's cadre In view of the fact that the ~~lien~~ post of Temporary High Court Judge will have continued for a period of 3 years continuously from 2.1.35 ~~under orders of Govt~~

Retired as judge.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

under existing orders, the question may be considered whether the vacancy may not be deemed to be of such long standing duration that PP arrangements can be allowed in place of the officer promoted to the H.C. as Temporary Judge. If this be permitted it may be possible to make the acting tenures of Mr. S. R. Ramaswami Iyer in the III grade from 2.1.35 to 17.6.35 and in the II grade from 18.6.35 onward as PP [The ~~more exact~~ continuance of Mr. M. Rama Rao's ~~leave~~ intermediate leave or its non-existence may not by itself solve the difficulty]

10) The ~~Finance and Audit~~ Audit & the Fin. Secrett. Office may perhaps be consulted

Submitted
CGH
31.1.37

Fin. Secy & Addl. Comptr.
MMS 1/2

12) To Comptroller with Compliments for favour of remarks

1/2/37

FINANCIAL SECRETARY (U.O.No.Fin. 105/37) 2. FEB. 1937

COMPTROLLER'S OFFICE 705/S/36 2. FEB. 1937

Note—Contn. Sheet.

WB 041—GPB—30,000—8-9-36

File No. of 193 General and Revenue Secretariat

U.O.No. 251/G.A.D. Dated 6th February 1937. Serial No. 7(1825(a)

No 713/248 dated 10-2-37

Returned with compliments.

As the post of Temporary Judge of the High Court of Mysore is continued for not less than three years from 2nd January 1935, there is no objection to make provisionally permanent arrangements against that appointment in the cadre of District Judges from 2nd January 1935 under the provisions of Article 64, Mysore Service Regulations.

FINANCIAL SECRETARY 11 FEB. No.

Comptroller.

SNS)

(a) C.S. For further action. 13/2

1. The pension papers stated to have been sent to Govt. through the Comptroller have not yet been received here. Perhaps it will be dealt with separately in the Fin. Br in the usual course].

Drafts of a letter to the Comptroller and of a reply to the H.C., are put up for approval.

For appl.

22/2/37 Secretary

23/2

OFFICE OF THE FIRST MEMBER IN COUNCIL 23 FEB. 1937 No. 5274

3691/25/2

Serial No.

H. Court 5-2-

Draft and fair Rubd.

Issue W 2/3

Issued

letter no 2141 of 1.3.37 6.
to Completion through the F.D
Forwarded copy of letter
of High Court and stated for
reasons explained that Mr S.D.
Ramaswamy Iyer may be treated
as having been P.D instead of
acting in the classes referred to
during the respective periods &
pension allowed on that basis
No 2141 of 1.3.37
Forwarded copy of the above
to the Regr High Court

D. No

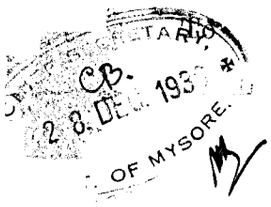
WD 0417—GPB—30,000—8-9-36

R. O. C. No. 544 / 36-37 — Dy 26-12-36

HIGH COURT OF MYSORE, 27-12-36
Public Office Buildings, Cubbon Park,
Bangalore, 22nd December 193 6.

FROM

T. Shamiengar, Esq., B.A., B.L., 83. 131-36-1
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.



B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

I am directed to state that the application for pension of Mr. S.R. Ramaswamy Iyer, Retired District Judge, with all the papers connected therewith, has been forwarded to the Government separately through the Comptroller with my letter No.R.O.C. 544 of 36-37, dated 23-12-36. In this connection I am to point out that Mr. Ramaswamy Iyer was appointed 3rd class District Judge, provisionally permanent, and acting 2nd class District Judge from 18-6-35 in the place of Mr. C. Abdul Ghani promoted to the higher class (Government Notification No.766/C.B. 21-35-5, dated 6th October 1935). Under Article 322(e) of the Mysore Service Regulations the acting allowance drawn by Mr. Ramaswamy Iyer as 2nd class District Judge will not ordinarily count towards pension as he was not provisionally permanent in that class. But, though Mr. Ramaswamy Iyer could not be gazetted as provisionally permanent 2nd class District Judge, the Judges of the High Court wish to suggest for the consideration of the Government that there are special reasons why it would be fair to treat him for pension purposes as if he had been provisionally permanent in that class. If Mr. Justice Srinivasa Rao and Mr. M. Rama Rao had held no lien on a District Judge's appointment in the ordinary course Mr. Abdul Ghani would have been permanent 1st class District Judge and Mr. Ramaswamy Iyer permanent 2nd class District Judge. If it had been necessary only to consider the fact that Mr. Justice Srinivasa Rao held a temporary post as Judge of the High Court instead of a permanent post in the High Court, Mr. Abdul Ghani and Mr. Ramaswamy Iyer would have been provisionally permanent in those grades respectively. But it happened that for reasons entirely unconnected with the Judicial Department and which

not presume to discuss Mr. Rama Rao intervened on paper as provisionally permanent 1st class District Judge (the post which Mr. Abdul Ghani might otherwise have held) though Mr. Rama Rao has never done a day's work as District Judge. In those circumstances it appears to the Judges that it would be fair to treat Mr. Ramaswamy Iyer's service for pension as if he had been provisionally permanent 2nd class District Judge from 18th June 1935, the date of Mr. H.M. Krishnaswami's retirement, and similarly as if he had been provisionally permanent 3rd class District Judge while he was acting before that date as 3rd class District Judge. This the Judges understand can be done without interfering in any way with the orders of appointment already made.

I am to request that the Government will be pleased to take this proposal into favourable consideration.

I have the honour to be,

Sir,

Your most obedient servant,

T. Ramiengar

Registrar.

rl

2 R

T

To 2161, C5/1[illegible] dated 1.3.37

The Comptroller to Government,
(Through Finl. Sectt.)

Sir

I am directed to forward herewith a copy of letter No.544/36-37 dated 22nd Decr. 1936 from the Registrar, High Court, recommending that in the circumstances stated the tenure of appointment of Mr. S.R.Ramaswami Iyer in the II Class of District Judges may b treated as if it had been provisionally permanent (instead of acting) from 18th June 1935, and similarly as if he had been P.P. in the III Class while he was acting in that class before that date.

2. I am to invite your reference to your U. O. Note No.251/G.A.D. dated 8.2.37
713/Spl. dated 10.2.37
intimating that as the post of Temporary Judge of the High Court is continued for not less than three years from 2nd Jany.35, there is no objection to make P.P. arrangements against that appointment in the cadre of District Judges from 2nd Jany.1935 am to request that the acting appointment of Mr. S.R.Ramaswami Iyer as III Dist. Judge from 2.1.35 to 17.6.35, and as acting II Class Dist. Judge thereafter, may be counted against the chain of arrangements admissible vice Mr. N. K. Srinivasa Rao on other duty as

Temporary Judge, High Court, and Mr. S. R. Ramaswami Iyer may be treated as having been Provisionally Permanent (instead of acting) in the two classes during the respective periods referred to, and pension allowed to him on this basis.

I have, etc.,

MWS 23/2

Chief ~~Secy.~~ to Govt.

NO 2162/03 81/3-3/

Copy to Registrar, High Court, with C. L.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ~~26th February~~ 1937.

No. 2141/GS 131-86-2 1.3.37

From

B. T. KESAVAIENGAR, Esq., B. A.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

A. N. Raghava Char, Esqr., M.A.,
Comptroller to Government.

Through The Financial Secretariat.

Sir,

I am directed to forward herewith a copy of letter No.544/36-37 dated 22nd December 1936 from the Registrar, High Court, recommending that in the circumstances stated the tenure of appointment of Mr. S.R.Ramaswami Iyer in the II Class of District Judges may be treated as if it had been provisionally permanent (instead of acting) from 18th June 1935, and similarly as if he had been Provisionally Permanent in the III Class while he was acting in that class before that date.

2. I am to invite your reference to your Unofficial Note No. 251/G.A.D. dated 8.2.1937 / 713/Spl. dated 10.2.1937 intimating that as the post of Temporary Judge of the High Court is continued for not less than three years from 2nd January 1935, there is no objection to make Provisionally Permanent arrangements against that appointment in the cadre of District Judges from 2nd January 1935. I am to request that the acting appointment of Mr. S.R.Ramaswami Iyer as III Class District Judge from 2nd January 1935 to 17th June 1935, and as acting II Class District Judge thereafter, may be counted against the chain of arrangements admissible vice Mr. N.K.Srinivasa Rao on other duty as Temporary Judge, High Court, and Mr. S.R.Ramaswami Iyer may be treated as having been Provisionally Permanent(instead of acting) in the two classes during the respective periods referred

referred to, and pension allowed to him on this basis.

I have the honour to be,

Sir,

Your most obedient servant,

1.3.37

Chief Secretary to Government.

Copy of letter No.R.O.C.544/36-37 dated 28th December 1936 from the Registrar, High Court of Mysore, to the Chief Secretary to the Govt. of Mysore, Bangalore.

* * * *

" I am directed to state that the application for pension of Mr. S.R.Ramaswamy Iyer, Retired District Judge. with all the papers connected therewith, has been forwarded to the Government separately through the Comptroller with my letter No.R.O.C.544 of 36-37, dated 23rd Decr. 1936. In this connection I am to point out that Mr. Ramaswamy Iyer was appointed 3rd Class District Judge, provisionally permanent, and acting 2nd Class District Judge from 18-6-35 in the place of Mr. C. Abdul Ghani promoted to the higher class (Government Notification No.766/C.B.21-35-5, dated 6th October 1935). Under Article 322 (e) of the Mysore Service Regulations the acting allowance drawn by Mr. Ramaswamy Iyer as 2nd Class District Judge will not ordinarily count towards pension as he was not provisionally permanent in that class. But, though Mr. Ramaswamy Iyer could not be gazetted as provisionally permanen 2nd class District Judge, the Judges of the High Court wish to suggest for the consideration of the Government that there are special reasons why it would be fair to treat him for pension purposes as if he had been provisionally permanent in that class. If Mr. Justice Srinivasa Rao and Mr. M. Rama Rao had held no lien on a District Judge's appointment, in the ordinary course Mr. Abdul Ghani would have been permanent 1st class District Judge and Mr. Ramaswamy Iyer permanent 2nd class District Judge. If it had been necessary only to consider the fact that Mr. Justice Srinivasa Rao held a temporary post as Judge of the High Court instead of a permanent post in the High Court, Mr. Abdul Ghani and Mr. Ramaswamy Iyer would have been provisionally permanent in those grades respectively. But it happened that for reasons entirely unconnected with the Judicial Department and which the Judges do not presume to discuss, Mr. Rama Rao intervened on paper as provisionally permanent 1st class District Judge (the post which Mr. Abdul Ghani night otherwise have held) though Mr. Rama Rao has never done a day's work as

District Judge. In those circumstances it appears to the Judges that it would be fair to treat Mr. Ramaswamy Iyer's service for pension as if he had been provisionally permanent 2nd class District Judge from 18th June 1935, the date of Mr. H.M.Krishnaswami's retirement, and similarly as if he had been provisionally permanent 3rd class District Judge while he was acting before that date as 3rd class District Judge. This the Judges understand can be done without interfering in any way with the orders of appointment already made.

I am to request that the Government will be pleased to take this proposal into favourable consideration.

- - - - -

"C O P Y"

For Chief Secretary to Govt.

II

No. 2142/63 8/1-3-3
Encl 1

To

The Registrar,
High Court of Mysore

Sir,

With reference to your letter No.544/36-37 dated 22nd Decr. 1936. I am directed to enclose for the information of the High Court, a copy of letter sent to the Comptroller to-day in the matter of treating the acting service of Mr. S.R.Ramaswami Iver in the III and II Classes of District Judges as Provisionally Permanent.

I have, etc.

23/2

Chief Secretary to Govt.

~~26th February~~ 7
1-3-37

No. 2142/CD/34-82
Encl 1.

T. Shamiengar, Esqr., B.A., B.L.,
Registrar, High Court of Mysore, Bangalore.

With reference to your letter No.544/36-37 dated 22nd December 1936, I am directed to enclose, for the information of the High Court, a copy of letter sent to the Comptroller to-day in the matter of treating the acting service of Mr. S. R. Ramaswami Iyer in the III and II Classes of District Judges as Provisionally Permanent.

I have the honour to be,
Sir,
Your most obedient servant,

1.3

for Chief Secretary to Government.